



Patent

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application	<u>n(s)</u>		Priori <u>Claim</u>	•
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
(Number)	(Country)	(Foreign Filing Date -	Yes	No

I hereby claim the ben provisional application			ed States Co	ode, Se	ection 119	(e) of any U	nited St	ates
(Application Number)		(Filing Date - MM/DD/YYYY)						
(Application Number)		(Filing Date – MM/DD/YYYY)						
I hereby claim the ben application(s) listed be is not disclosed in the of Title 35, United Stat known to me to be ma Section 1.56 which be or PCT international fi	elow and, inso prior United tes Code, Se aterial to pate came availat	ofar as the States app ction 112, ntability as ble betwee	subject ma lication in the l acknowled defined in n the filing o	itter of one mandige the Title 37	each of th ner provid duty to d ', Code of	e claims of ded by the fi isclose all in Federal Re	this appl rst parag formation gulation	lication graph on s,
(Application Number	er) (Filir	ng Date - I	MM/DD/YY	<u>YY)</u> —	(Status	patented, pending, al	oandone	 ed)
(Application Number	ər) (Filir	ng Date - I	MM/DD/YY	YY) -	(Status	patented, pending, al	pandone	 ed)
part of this document) substitution and revoce and Trademark Office Send correspondence ZAFMAN LLP, 12400 telephone calls to	eation, to prose connected have ce to <u>Tare</u> (Name Wilshire Bo	ecute this erewith. ek N. Fahn of Attorne ulevard 7 hmi	application i ey or Agent th Floor, Lo	and to, E t) os Ang	transact	all business	in the P	atent
I hereby declare that statements made on statements were ma are punishable by fir States Code and tha application or any pa	information de with the i ne or imprise t such willfu	and belie knowledge onment, o il false sta	of are belied that willfund the both, und	ved to ul false ier Sec	be true; a stateme tion 100°	and further ints and the I of Title 18	that the like so of the l	ese made
Full Name of Sole/Firs	st Inventor	Ran Oz				11	2	
Inventor's Signature _	(1		>		_ Date	May	29,	2001
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Full Name of Second/Joint Invento	r <u>Michael Field</u>	<u> </u>		
Inventor's Signature	ight	Date	June 5th, 2	50)
Residence <u>San Diego</u>	cA	Citizenship	UK.	
(City, State)		(Country)		
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APPENDIX A

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Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.